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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,352	05/24/2001	Masaru Sugano	010661	1126
38834 7590 01/16/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER HOSSAIN, FARZANA E	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/863,352	Applicant(s) SUGANO ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-14,16-19,21-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-14,16-19,21-23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Response to Amendment

2. This office action is in response to communications filed on 10/30/2007. Claims 1-9, 11, 15, 20 and 24 are cancelled. Claims 10, 12-14, 19, and 21-23 are amended. Claims 16-18 and 25-27 have been previously amended.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 10 and 19, the applicant argues that Terasawa does not disclose a data stream of audio and audiovisual programs. Applicant argues that there is no disclosure of what occurs when a future program is selected. Applicant argues that it is unclear what would occur if a live event such as a sport event were to occur. Applicant further argues that Terasawa discloses an invention for EPG. The applicant also argues that textual form is XML and readable and the slide components and textual description are separate files. (Pages 8-12).

In response to the arguments, Terasawa discloses a data stream of audiovisual programs which meets the limitations. There is no recitation of XML in the claim limitations. Terasawa discloses EPG or textual description (Column 12, lines 64-67, Column 15, lines 35-39) and MPEG video or still frames (Column 13, lines 30-35). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another. Terasawa combined with Gagnon meets the claim limitations as disclosed. The applicant should amend claims to include all other subject matter argued but are not currently in the claims.

Please look at new rejections and claim objections.

Claim Objections

4. Claims 10, 12-14, 16-19, 21-27 are objected to because of the following informalities: Claims recite that "textual description of slide components includes a

description about a bidirectional link between the multiple original audio/video programs and slide components." The applicant's specification discloses a textual description (Figure 5c) and a link (Page 9, lines 20 to page 10 line 11). The specification discloses that there is a bidirectional link or linking between the slide to a program and program to a slide (Page 10, lines 1-1-11). Please point to the section in which the textual description includes a bidirectional link. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10, 12-14, 16-19, 21-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa") in view of Gagnon et al (US 6,522,342 and hereafter referred to as "Gagnon").

Regarding claims 10 and 19, Terasawa discloses a method of describing summary data of at least one of audio data, video data and audiovisual data (hereinafter audio/video) (Figure 4), the method comprising:

Identifying multiple compressed or uncompressed original audio/video programs (Figure 4);

Identifying one or more slide components as single or multiple segments or single frames (Figure 4, Figure 36, Figure 40) from each the multiple compressed or uncompressed audio/video contents programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio/video slide comprising one or more slide components from each of the multiple compressed or uncompressed original audio/video programs via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a description about a link between the multiple original audio/video programs and the slide components or the title bar includes information about the program and link to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional link between the multiple original audio/video

programs and the slide components. In analogous art, Gagnon discloses the textual description of the slide components includes a description about a bidirectional link between the multiple original audio/video programs and the slide components or between each slide component a channel and video on the slider referencing multiple audio/video programs and the description which includes title and channel information to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to the textual description of the slide components includes a description about a bidirectional link between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding Claims 12 and 21, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses the slide components of the audio/video slide are single or multiple segments included in the original audio/video programs (Figure 4, Figure 5, Figure 7, Figure 39, S73). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another. Therefore, Terasawa discloses the segment or frame is a separate file as

each segment is for one program, and a set of files is described sequentially or each segment is a separate file that is described sequentially from the title bar (Figure 4, Figure 5, Figure 7, Figure 39, S73, Figure 36).

Regarding Claims 13 and 22, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses wherein the slide components of the audio/video slide are single or multiple segments included in the original audio/video programs, a set of segments is integrated as one composite file or one segment or frame is one file (Figure 39, S73, Figure 23, 35a), and the individual segments of the composite file are described sequentially (Figure 4, Figure 5). See rejection of Claims 12 and 21.

Regarding Claims 14 and 23, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses the textual description about the link between the original programs and the slide components is a description about an identifier of the original programs to which the slide components belong via the title bar (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40). Gagnon discloses the textual description about the bidirectional link between the original programs and the slide components via the slider or tuning bar or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5).

Regarding Claims 16 and 25, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses it is possible to transfer from playback of the audio/video slide to playback of the original audio/video programs

relating to the slide components of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25), and it is also possible to transfer reversely from playback of original audio/video programs to playback of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25).

Regarding Claims 17 and 26, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses it is possible to display attribute data describing about the corresponding original audio/video programs by using description data of audio/video slide components during playback of an audio/video slide or title bar can be displayed during playback (Figure 3, Figure 4, Figure 5).

Regarding Claims 18 and 27, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses that corresponding original audio/video programs is played by using description data of the audio/video slide components during playback of an audio/video slide (Column 6, lines 6-13, 23-34, Column 16, lines 14-25, Figure 4, Figure 36, Figure 39, Figure 40).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
January 9, 2007


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